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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,367	11/29/2000	Lawrence N. Chapman	PD-990258	5294

20991 7590 04/20/2004

THE DIRECTV GROUP INC  
PATENT DOCKET ADMINISTRATION RE/R11/A109  
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EXAMINER

CORBETT, MITCHELL

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 04/20/2004

2

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/726,367

Applicant(s)

CHAPMAN ET AL.

Examiner

Mitchell J Corbett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-22 is/are allowed.
- 6) ☒ Claim(s) 23-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 30 is objected to because of the following informalities: Claim 30 should be dependent on claim 29, rather than on claim 23. Appropriate correction is required.

The examiner considers claim 30 to be dependent on claim 29.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 23, 24, 31, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaney et al. (Chaney) (US 5,515,106) in view of Norin et al. (Norin) (US 6,434,384).

Considering claim 23, Chaney discloses an apparatus (see DBS system, fig. 1) for use with a system broadcasting a first signal having a first set of programs (master program guide) to a plurality of subscribers (column 4, line 59 – column 5, line 3) and a second signal having a second set of programs (see special program guide, column 5, lines 11-25); comprising: a compiler (scheduler, fig. 2), configured to segment the

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programs into a first set of programs and a second set of programs (column 3, lines 40-45 and column 5, lines 11-14); a first transmitter (see transmit #1-N, fig. 1, and column 4, line 59 –column 4, line 3), communicatively coupled to the compiler and transmitting on a first signal (i.e. carrier frequency, column 3, lines 8-14) on a first service channel (SCID, column 4, lines 36-39); and a second transmitter (see one of the transmitters, column 5, lines 16-22) communicatively coupled to the compiler (scheduler, column 5, lines 11-14) and transmitting on a second signal (i.e. carrier frequency, column 3, line 3-8) on a second service channel (SCID, column 5, lines 23-25); wherein a fundamental signal characteristic of the second signal differs from the fundamental signal characteristic of the second signal (i.e., the transponder transmitting the special program guide transmits on a different carrier frequency than for the master program guide, (column 3, lines 4-6, column 4, lines 59-66, and column 5, lines 17-20). Chaney, however, fails to specifically disclose a second signal broadcasting to a subset of the first signal subscribers as recited in the claim.

In an analogous art, Norin discloses a system in which a second signal (local satellite broadcast) is broadcast and received to a subset of the subscribers (i.e. local subscribers being a subset of the subscribers for a larger regional area) for of the first programming set (see regional satellite broadcast, column 2, lines 11-15, and column 4, lines 8-11 and column 4, lines 40-43), for the purpose of being able to provide both local and regional broadcast by satellite, while reducing the possibility of interference (column 3, lines 15-18).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Chaney to include a system in which a second signal is broadcast and received to a subset of the subscribers of the first programming set, as taught by Norin, for the benefit of being able to provide both local and regional broadcast by satellite, while reducing the possibility of interference in a television program guide distribution system.

As for claim 24, the combined system of Chaney and Norin disclose wherein the fundamental signal characteristic is carrier frequency, and the first signal is characterized by a first carrier frequency, and the second signal is characterized by a second carrier frequency (column 3, lines 4-6, column 4, lines 62-66, and column 5, lines 17-22).

Considering claims 31 and 32, although the combined system of Chaney and Norin disclose the second set of programs comprising local programs (Norin, column 4, lines 8-11 and 40-43), they fail to specifically disclose wherein said second signal is spot beam directed at the subset of subscribers designated to receive the second set of programs, as recited in the claims.

Norin further discloses spot beaming (column 2, lines 22-26) a second (i.e., local) signal to a subset of subscribers designated to receive said second set of programs (i.e. local television broadcast as opposed to larger regional broadcast, column 2, lines 12-15), for the purpose of allowing for a cost effective way of achieving higher overall

system throughput (i.e., spot beaming allows an efficient method of transmitting both local and regional broadcasts, column 2, lines 17-26).

Consequently, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined systems of Chaney and Norin to include wherein said second signal is spot beam directed at the subset of subscribers designated to receive the second set of programs, for the purpose of allowing for a cost effective way of providing higher overall capacity to a given geographic region in a satellite broadcast system.

Considering claim 33, the combined system of Chaney and Norin disclose wherein the second signal (Chaney, special program guide) further includes a portion of the first set of programs (i.e., the special program guide includes extended programming information for the first set of programs, Chaney, column 5, lines 10-15) and second program information further describes the portion of the first set of programs (i.e., describes the set of programs for the next thirty days, Chaney, column 5, lines 10-15).

4. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chaney in view of Norin, as applied to claims 23 above, and further in view of Wilson.

Considering claim 25, the combined system of Chaney and Norin disclose an apparatus for use in a system broadcasting above, but they fail to specifically disclose wherein the fundamental signal characteristic is polarization, and the first signal is

characterized by a first polarization, and the second signal is characterized by a second polarization, as recited in the claims.

In an analogous art, Wilson discloses a system wherein the fundamental signal characteristic difference between a first and second signal is polarization, and the first signal is characterized by a first polarization (right-hand circularly polarized), and the second signal is characterized by a second polarization (left-hand circularly polarized, column 4, lines 17-26), for the purpose of allowing a user at the user site to receive and view broadcasts from a plurality of different satellite signals (column 3, lines 5-10).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined system of Chaney and Norin to include wherein the fundamental signal characteristic is polarization, and the first signal is characterized by a first polarization, and the second signal is characterized by a second polarization, as taught by Wilson, for the purpose of allowing the end user to be able to enjoy a wider selection of programming by being able to receive content from a plurality of satellite sources.

5. Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaney in view of Norin, as applied to claim 23 above, and further in view of Eastman (US 5,940,737).

Considering claims 26 and 28, the combined system of Chaney and Norin disclose an apparatus for use in a system broadcasting above, but they fail to specifically disclose wherein a first transmitter comprises a first transponder and is

disposed on a first satellite and a second transmitter comprising a second transponder is disposed on a second satellite, and wherein the first and second satellites are disposed within a beam width of a receiver antenna, as recited in the claims.

In an analogous art, Eastman discloses wherein a first transmitter comprising a transponder is disposed on a first satellite (10) (column 2, lines 42-45) and a second transmitter comprising a transponder is disposed on a second satellite (12) (column 2, lines 42-45), and wherein the first and second satellites are disposed within a beam width of a receiver antenna (i.e. the first and second satellites transmit their signals to a single receiver antenna, satellite collector 16 and satellite receiver 14, column 3, lines 1-8, and 49-53), for the purpose of allowing a receiving system to receive multiple signals from more than one satellite (column 1, lines 62-67).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined system of Chaney and Norin to include wherein a first transponder is disposed on a first satellite and a second transponder is disposed on a second satellite, and wherein the first and second satellites are disposed within a beam width of a receiver antenna, as taught by Eastman, for the purpose of providing multiple signals from satellites with the use of a single receiver unit.

Considering claim 27, the combined systems of Chaney, Norin, and Eastman disclose an apparatus for use in a system broadcasting above, however they fail to specifically disclose wherein a first and second transponder is disposed on a single satellite, as recited in the claim.



Norin further discloses wherein a first and second transponder is disposed on a single satellite (i.e., there are multiple transponders on a single satellite, Norin, column 7, lines 41-46 and 58-59), for the purpose of reducing the antenna-to-antenna and satellite-to-satellite pointing differences associated with multiple satellite systems (column 7, lines 63-65).

Consequently, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined system of Chaney and Norin to include wherein a first and second transponder is disposed on a single satellite, as further taught by Norin, for the purpose of reducing the antenna-to-antenna and satellite-to-satellite pointing differences associated with multiple satellite systems, thereby providing an efficient broadcasting system.

6. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaney in view of Norin, as applied to claim 23 above, and further in view of Grooters.

Considering claims 29 and 30, although the combined system of Chaney and Norin disclose receiving first program guide information (Chaney, column 2, lines 18-22), they fail to specifically disclose wherein the first program guide information includes information describing at least one surrogate channel, and wherein selection of said surrogate channels commands reception of said second signal, as recited in the claims.

In an analogous art, Grooters discloses a system wherein program guide information includes information describing at least one surrogate channel (temporary

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channel 418, fig. 4, and column 7, lines 33-38), and wherein selection of said surrogate channels commands reception of a second signal (column 7, lines 38-46), for the purpose of providing electronic program guide information for transitory events (column 1, lines 61-67).

Consequently, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined system of Chaney and Norin to include wherein the first program guide information includes information describing at least one surrogate channel, and wherein selection of said surrogate channels commands reception of said second signal, as taught by Grooters, for the purpose of enriching the viewer's choices by providing them with information concerning transitory events in an electronic program guide system.

***Allowable Subject Matter***

7. The following is a statement of reasons for the indication of allowable subject matter:

Claims 1-8 are allowed because the prior art fails to teach or disclose a network broadcasting and receiving a first signal having a first set of to a plurality of subscribers and a second signal having a second set of programs comprising: broadcasting first program guide describing the first set of programs on a first service channel on a first signal; broadcasting a second program guide describing the second set of programs to

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a subset of subscribers on the first service channel on a second signal, as recited in the claims.

Claims 9-15 are allowed because the prior art fails to teach or disclose a network receiving a first program guide describing the first set of programs on a first service channel on a first signal; and receiving a second program guide material describing the second set of programs on the first service channel on a second signal, as recited in the claims.

Claims 16-22 are allowed because the prior art fails to teach or disclose a receiver comprising: a tuner selectively configurable to receive a first service channel on a first signal and the first service channel on a second signal, the first signal comprising a first set of programs and first program information describing the first set of programs, and the second signal comprising a second set of programs and second program guide information describing the second set of programs, as recited in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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### **Conclusion**

8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitchell J Corbett whose telephone number is (703) 305-8982. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mitchell Corbett  
Patent Examiner  
Art Unit 2614

MJC

  
CHRIS GRANT  
PRIMARY EXAMINER